

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT DAVID TURNER,

Defendant.

Case No. 3:15-cr-00449-JO-2

ORDER ON MOTION FOR  
SENTENCE REDUCTION UNDER 18  
U.S.C. § 3582(c)(1)(A)

(COMPASSIONATE RELEASE)

---

Upon motion of the defendant, Scott David Turner (Turner) for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is DENIED after complete review of the motion on the merits.

FACTORS CONSIDERED:

Prisoners are exceptionally vulnerable to infection due to the lack of distancing and hygiene issues endemic to prison life. *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, CDC (Mar. 23, 2020),

<https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>. However, compassionate release is “rare and extraordinary” and courts routinely deny such claims. *United States v. Mangarella*, 2020 WL 1291835, at\*2-3 (W.D.N.C. Mar. 16, 2020.) Chronic conditions that can be managed in prison are not a sufficient basis for compassionate release. *United States v. Ayon-Nunez*, 2020 WL 704785, at \*2–3 (E.D. Cal. Feb. 12, 2020).

Turner, who pleaded guilty to Possession of Child Pornography, presented no extraordinary or compelling reason justifying release. While contracting COVID-19 can be serious at any age, Turner is only 45 years old and his risk is significantly lower than those 65 and older. *People Who Are at Higher Risk for Severe Illness*, CDC (September 9, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/images/need-extra-precautions/high-risk-age.jpg>. Turner has no medical condition that places him in the group of people who are at increased risk of severe illness from COVID-19. *People Who Are at Higher Risk for Severe Illness*, CDC (September 9, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>. His medical conditions place him in the group who might be at increased risk for severe illness if those conditions are not well controlled. *Id.* A review of Turner’s medical record shows that the BOP is managing his medical conditions and he is stable.

Turner resides at FCI Fort Dix which houses 2430 inmates. Of those, there are no inmates or staff currently infected with COVID-19, no inmate or staff deaths due to COVID-19, and 36 inmates and 6 staff have recovered, indicating that FCI Fort Dix is controlling the outbreak of the virus. <https://www.bop.gov/coronavirus/> (September 9, 2020) He has served less than 50 percent of his sentence and his projected release date is August 23, 2026.

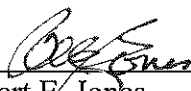
Turner’s proposed release plan is inadequate as he would be in the same home he lived in

when he committed the offense and with friends who were unaware of Turner's activities when they occurred. His plan does not preclude access to a computer, it only provides that he would not have exclusive access to a computer.

Turner's Motion for Reduced Sentence (ECF No. 54) is DENIED.

IT IS SO ORDERED.

Dated the 16<sup>th</sup> of September, 2020.

  
\_\_\_\_\_  
Robert E. Jones  
Senior United States District Judge